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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/254,058	06/14/1999	CHEOL KIM	38724.66223	6431

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EXAMINER

CHRISTMAN, KATHLEEN M

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 04/09/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/254,058

Applicant(s)

KIM, CHEOL

Examiner

Kathleen M Christman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-15, 32, 33, 35 and 51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-15, 32, 33, 35 and 51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

In response to amendment filed 01/21/2003, claims 6-15, 32, 33, 35 and newly added claim 51 are pending.


Information Disclosure Statement

1. The information disclosure statement filed 02/21/2003 is a duplicate of the information disclosure statement filed 02/21/2003 and as such has not been considered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 6-15, 32, 33, 35 and 51^{art} are rejected under 35 U.S.C. 103(a) as being unpatentable over Onishi et al (US 5572260) in view of Landis et al (US 5659368). Onishi et al teaches an English learning apparatus which can read on the language learning terminal as claimed. The communication interface is merely the circuitry which is required for the "video cassette recorder" to communicate with the system. There is a first memory described as a non-display data by Onishi. The controller, decoder, and display are clearly shown in Figure 1 (and also in Figure 6 labeled as prior art). Caption data being synchronized with audio data (claims 7 and 33) is shown taught with the statement: "When a closed caption system is used for a language study, a caption pause function to stop displaying subtitles is necessary in order to match the speed of flowing subtitles on a screen with the speed at which a user can understand the voice from the video cassette tape. Further, for a video software tape in which the other language such as Japanese has already been superimposed on the tape, it is necessary to mask Japanese language subtitles by changing the position of the closed caption." Col. 1: 33-41. The mark numbers of claims 8-15 are shown in figure

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3, and their use in the system is shown in col. 5: 11-28. The memories being removable is shown in the actual memories are VHS tapes which are removable from the system. The use of RAM is shown at col. 5: 17. Volume controls are inherent to these systems.

Onishi et al does not specifically disclose an external communications network (claims 6, 32, and 51), or a control means for selectively retrieving learning data from the external communications network (claims 32 and 51).

Landis et al clearly teaches these limitations in col. 2: 44-51, where the television network constitutes the external communication network. Landis et al further teaches multiple ways to decode the information that is saved from the network. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the VHS tapes made by using the Landis system in the educational system of Onishi et al so as to provide a more versatile learning system.

are also

4. Claims 6-15, 32, 33, 35 and 51^A rejected under 35 U.S.C. 103(a) as being unpatentable over Onishi et al (US 5572260) in view of Guy et al (US 5833468). Onishi et al teaches an English learning apparatus which can read on the language learning terminal as claimed. The communication interface is merely the circuitry which is required for the "video cassette recorder" to communicate with the system. There is a first memory described as a non-display data by Onishi. The controller, decoder, and display are clearly shown in Figure 1 (and also in Figure 6 labeled as prior art). Caption data being synchronized with audio data (claims 7 and 33) is shown taught with the statement: "When a closed caption system is used for a language study, a caption pause function to stop displaying subtitles is necessary in order to match the speed of flowing subtitles on a screen with the speed at which a user can understand the voice from the video cassette tape. Further, for a video software tape in which the other language such as Japanese has already been superimposed on the tape, it is necessary to mask Japanese language subtitles by changing the position of the closed caption." Col. 1: 33-41. The mark numbers of claims 8-15 are shown in figure 3, and their use in the system is shown in col. 5: 11-28. The memories being removable is shown in the

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actual memories are VHS tapes which are removable from the system. The use of RAM is shown at col.

5: 17. Volume controls are inherent to these systems.

Onishi et al does not specifically disclose an external communications network (claims 6, 32, and 51), or a control means for selectively retrieving learning data from the external communications network (claims 32 and 51).

Guy et al teaches the concept of using an external network to transmit learning data to a remote station or user in Figure 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to update the system of Onishi with the networked capabilities of Guy et al so as to provide a more versatile learning system.

Response to Arguments

5. Applicant's arguments with respect to claims 6-15, 32, 33, and 35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Lappington et al (US 5343239) teaches an system for playing an interactive game through a television network

b. Kirkland (US 5677739 and US 5990908) teaches a system which describes various television services within a television signal

c. Hendricks et al (US 5990927) teaches a system which includes a set-top decoder and a network capable of decoding closed-captioning signals

d. Lewis et al (US 5303042) teaches an educational system which transmits data over an external communications network

e. Ryu et al (US 5295836) teaches a remote lecturing system which includes an external communications network for the transfer of educational data to the location of a user.

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7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

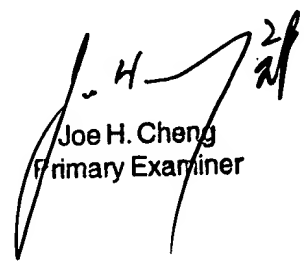
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M Christman whose telephone number is (703) 308-6374. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.


Kathleen M. Christman
April 1, 2003


Joe H. Cheng
Primary Examiner